Gmail Maria Kolomychenko <[redacted]@gmail.com>

[gnu.org #2179917] Media enquiry: GPL Violations

1 письмо

Zoë Kooyman via RT <license-internal@fsf.org> 2 июня 2025 г. в 21:14
Ответить: license-internal@fsf.org
Кому: [redacted]@gmail.com

Dear Maria Kolomychenko,

I understand from our colleagues at the FSFE that you had hoped to get a swifter response, and I apologize for the delay. We had some big deadlines at the end of last week, so I had to push this answer over the weekend, I hope it does not cause any issues.

Thank you for reaching out to us, I am pasting the answers that our licensing and compliance manager Krzysztof Siewicz answered for you below. Please do not hesitate to reach out to us if anything is unclear or you need more information.

Thank you,

Zoë Kooyman

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1.

How does the FSF view cases like this, where companies distribute GPL-licensed software but fail to comply with the license’s fundamental requirements?

We have not come across this particular potential GPL violation. After a quick review of their website and the binaries they distribute we could not find information about how they provide source code to the programs. Therefore, this case would require more investigation. Below I will describe how the GPL works in case of a violation and how the FSF approaches cases like this.

The Free Software Foundation (FSF) is the steward of the family of GNU General Public Licenses (GPL) which allow others to run, copy, modify and share the software, provided that conditions specified in the licenses are met. One of these conditions is to provide users with complete and corresponding source code (the licenses specify different ways in which the code can be provided).

If the offer for source code is not present, or, if it does not lead to obtaining the complete and corresponding source code, this would constitute a license violation. In case of a license violation, under Sec. 8 of the GPL a violator loses all rights to the software as soon as the violation occurs.

Consequently, they have no rights to the software, and can no longer obtain a license to the software unless the copyright holder reinstates the rights. Any copying, modification, or distribution of the software after the initial violation is without the copyright holder's permission and may constitute willful copyright infringement.

2.

Are such GPL violations common globally, or is this a rare exception?

Unfortunately, GPL violations are quite common. We receive a fair number of violation reports every week. The reach we have as copyright holders, as well as the (legal) resources necessary to get violators back into compliance is limited. In some cases organizations knowingly abuse that fact, in other cases they are honest mistakes.

Some violation reports we receive are about programs that are not FSF-copyrighted and after instructing violation reporters (see below), we do not track how they were resolved, unless anyone comes back to us with any questions.

3.

What actions does the FSF typically take in such cases, and does it have mechanisms to address and prevent such violations?

The FSF enforces the license on [works to which we hold the copyright][1], but we can still help bring about compliance even when the copyright lies elsewhere. We encourage everyone who seeks help with GPL enforcement to contact us at license-violation@gnu.org.

[1]: https://www.gnu.org/software/software.html

We published a guide for handling [violations of the GNU Licenses][2]. It details essential information that should be included in a violation report to help us determine where the report needs to be delivered. A typical GNU/Linux distribution usually contains some programs from the GNU project, but also other programs, including the kernel Linux, to which for example, the FSF does not hold any copyrights.

We encourage everyone who reports a potential GPL violation to us to assist as much as possible and if within their possibility, to start any necessary technical investigation of the particular software.

[2]: http://www.gnu.org/licenses/gpl-violation.html

Many copyright holders immediately seek monetary damages when their license is violated. We do not - our goal is to bring violators back into compliance, and help repair any harm done to the free software community by their past actions. Because of that, the FSF's first step is always to contact violators directly, and negotiate a strategy with them that best accomplishes those goals. We follow the [Principles of Community-Oriented GPL Enforcement][3] in all our compliance matters, and we may escalate to more public (legal) steps when we believe there is no collaborative path forward.

[3]: https://www.fsf.org/licensing/enforcement-principles

We encourage copyright holders to other programs released under the GNU GPL to enforce the license according to the Principles too, with the benefit of the whole free software community in mind, but of course they are free to choose their own approach.

Besides contacting copyright holders, which is always a good thing to do, we encourage the use of any legal mechanism available to users for obtaining complete and corresponding source code, as is their right, and enforcing full compliance with the GPL. The FSF however cannot give legal advice, we kindly ask everyone wishing to use such mechanisms to ask their lawyers.

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Zoë Kooyman